

NOTICE OF MOTION COVER SHEET

Debtor: Amarjit Kaur Singh aka Amarjit K. Pawar
Bankruptcy Case #08-47147

Judge Carla E. Craig

Plaintiffs/Movant:
Deutsche Bank National Trust Company, as Trustee

Attorneys for Movant:
Anne E. Miller-Hulbert
Shapiro & DiCaro, LLP
250 Mile Crossing Boulevard
Suite One
Rochester, NY 14624

Attorneys for Debtor
David S. Waltzer
225 West 34th Street
Suite 300
New York, NY 10122

NATURE OF SUIT
(Check All Boxes That Apply)

- ☒ To Grant Relief from Automatic Stay, 11 USC Section 362 (d)
(\$150.00 fee required).
- ☐ Amended Notice Of Motion for Relief from Automatic Stay
(no fee required).
- ☐ To Withdraw the Reference of a Case, 11 USC Section 362 (d)
(\$60.00 fee required).
- ☐ To Object to Confirmation of Chapter 13 Plan
(fee not required).
- ☐ To Extend time to Object to Discharge/Dischargeability
- ☐ To Dismiss (fee not required).
- ☐ To Convert (fee not required).
- ☐ To Extend Exclusivity Period to File Plan
- ☐ Other -

FILING FEE XX Attached

☐ Not Required

XX Credit Card

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE

AMARJIT KAUR SINGH AKA AMARJIT K.
PAWAR

DEBTOR

PRESENTMENT DATE: December 29, 2008

CHAPTER 7

CASE NO. 08-47147

JUDGE: Carla E. Craig

**NOTICE OF PRESENTMENT OF ORDER GRANTING RELIEF FROM THE
AUTOMATIC STAY
PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C. §362 (d)
DUE TO A LACK OF ADEQUATE PROTECTION (AND A LACK OF EQUITY)
PURSUANT TO 11 U.S.C. §361**

PLEASE TAKE NOTICE that upon the annexed Motion for Relief from the Automatic Stay of Shapiro & DiCaro, LLP, attorneys for Deutsche Bank National Trust Company, as Trustee, the undersigned will present the annexed proposed Order pursuant to 11 U.S.C. §362 (d) to the Hon Carla E. Craig, United States Bankruptcy Judge, for signature on December 29, 2008 at 10:00a.m. The grounds for said Application is Debtor's inability to provide adequate protection to the interest of Deutsche Bank National Trust Company, as Trustee on real property known as 87-53 133rd Street, Richmond Hill, NY 11418.

PURSUANT TO LOCAL BANKRUPTCY RULE 2002-1 FOR THE EASTERN DISTRICT OF NEW YORK, IF YOU INTEND TO OBJECT TO THE PROPOSED ORDER, YOU MUST SERVE ON THE MOVANT'S COUNSEL AND FILE WITH THE CLERK OF THE BANKRUPTCY COURT, WRITTEN OBJECTION NOT LATER THAN THREE (3) DAYS PRIOR TO THE DATE THE PROPOSED ORDER IS TO BE PRESENTED. IN THE EVENT NO WRITTEN OBJECTION IS SERVED AND FILED, NO HEARING WILL BE HELD BEFORE THE COURT. IF WRITTEN OBJECTION IS

**FILED, A HEARING SHALL BE HELD BEFORE THE COURT ON JANUARY 8, 2009
AT 11:30 A.M. AT UNITED STATES BANKRUPTCY COURT, 271 CADMAN PLAZA
EAST, BROOKLYN, NY 11201.**

Dated: December 1, 2008
Rochester, New York



Anne E. Miller-Hulbert
Shapiro & DiCaro, LLP
Attorneys for Deutsche Bank National Trust
Company, as Trustee
250 Mile Crossing Boulevard
Suite One
Rochester, NY 14624
(585) 247-9000

TO: Debtor
Amarjit Kaur Singh aka Amarjit K. Pawar
87-53 133rd Street
Richmond Hills, NY 11418

Attorney for Debtor
David S. Waltzer
225 West 34th Street
Suite 300
New York, NY 10122

Trustee
Richard J McCord
Certilman Balin Adler & Hyman
90 Merrick Avenue
East Meadow, NY 11554

US Trustee
271 Cadman Plaza East
Suite 4529
Brooklyn, NY 11201

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE

AMARJIT KAUR SINGH AKA AMARJIT K.
PAWAR

DEBTOR

PRESENTMENT DATE: December 29, 2008

CHAPTER 7

CASE NO. 08-47147

JUDGE: Carla E. Craig

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C. §362(d)
DUE TO A LACK OF ADEQUATE PROTECTION (AND A LACK OF EQUITY)
PURSUANT TO 11 U.S.C. §361**

Deutsche Bank National Trust Company, as Trustee, by and through its attorneys, Shapiro & DiCaro, LLP, for an Order vacating the automatic stay pursuant to 11 U.S.C. §362(d) and Bankruptcy Rule 4001 due to a lack of adequate protection pursuant to 11 U.S.C. §361, and in support thereof, states as follows:

1. Debtor filed a petition for relief under Chapter 7 of the U.S. Bankruptcy Code on or about October 24, 2008.
2. Deutsche Bank National Trust Company, as Trustee is a secured creditor of the Debtor by virtue of a mortgage executed by Debtor on January 6, 2006 and given to Option One Mortgage Corporation securing the repayment of the principal sum of \$500,000.00 due under the Bond/Note and granting Option One Mortgage Corporation a security interest in the Property commonly known as 87-53 133rd Street, Richmond Hill, NY 11418 (the "Property"). Copies of the Mortgage and Bond/Note are annexed hereto as Exhibit "A". The mortgage was assigned to Deutsche Bank National Trust Company, as Trustee for the Certificateholders of Soundview Home Loan Trust 2006-OPT1, Asset-Backed Certificates, Series 2006-OPT1 by instrument

dated October 2, 2007. A copy of the assignment of mortgage is annexed as Exhibit B. Movant has standing to bring this Motion for Relief from Stay as the holder of the mortgage.

3. A copy of the Relief from Automatic Stay – Real Estate and Cooperative Apartments Work Sheet is annexed hereto as Exhibit “C”. According to the Work Sheet Movant has a secured claim as of the date of filing in the amount of \$570,765.40.

4. According to the Work Sheet Debtor has made no post-petition payments and the mortgage is contractually due for June 2008.

5. The amount now due under the mortgage is as follows:.

13 Defaulted Monthly Payments at \$4,692.77 each (June 2007 through June 2008)	\$61,006.01
5 Defaulted Monthly Payments at \$4,397.36 each (July 2008 through November 2008)	\$21,989.80
2 Late Charges at \$75.48 each (June 2008 through July 2008)	\$150.96
Bankruptcy Attorneys Fees	\$650.00
Bankruptcy Filing Fee	\$150.00
Foreclosure Attorney Fees	\$1,800.00
Foreclosure Costs	\$5,083.88
Suspense	\$(3,214.46)
Total	\$87,616.19

6. According to the Debtor's Schedule D, the fair market value of the Property is \$626,000.00.

7. Upon information and belief, there is little or no equity in the Property and Deutsche Bank National Trust Company, as Trustee has not been offered adequate protection for its interest in the Property.

8. It is respectfully submitted that good cause exists to vacate the automatic stay of 11 U.S.C. §362 to allow Deutsche Bank National Trust Company, as Trustee to maintain a foreclosure action on its mortgage.

WHEREFORE, Deutsche Bank National Trust Company, as Trustee respectfully requests that an Order be granted vacating the automatic stay as to Deutsche Bank National Trust Company, as Trustee so as to permit the commencement, resumption or maintenance of mortgage foreclosure proceedings with respect to the Property, and for such other and further relief as the Court may deem just and proper.

Dated: December 1, 2008



Anne E. Miller-Hulbert
Shapiro & DiCaro, LLP
Attorneys for Deutsche Bank National Trust
Company, as Trustee
250 Mile Crossing Boulevard
Suite One
Rochester, NY 14624
(585) 247-9000

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
IN RE

AMARJIT KAUR SINGH AKA AMARJIT K.
PAWAR

DEBTOR

PRESENTMENT DATE: December 29, 2008

CHAPTER 7

CASE NO. 08-47147

JUDGE: Carla E. Craig

**ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY**

Upon Notice of Presentment of Proposed Order Granting Relief from the Automatic Stay and the Motion of Deutsche Bank National Trust Company, as Trustee dated *December 1*, 2008 with exhibits attached thereto, with proof of service upon the Trustee, Debtor and Debtor's Attorney and the United States Trustee, and there being no opposition thereto, it is hereby:

ORDERED that the automatic stay in effect pursuant to 11 U.S.C. Section 362(a) is hereby vacated for cause pursuant to 11 U.S.C. Section 362(d) as to Deutsche Bank National Trust Company, as Trustee, its agents, assigns or successors in interest so that Deutsche Bank National Trust Company, as Trustee, its agents, assigns or successors in interest may take any and all actions under applicable state law to foreclose its mortgage on the premises known as 87-53 133rd Street, Richmond Hill, NY 11418, and it is further

ORDERED that the Movant shall immediately provide an accounting to the Trustee of any surplus monies realized as a result of the foreclosure sale.

Dated: _____, 2008
Brooklyn, NY

Enter:

Honorable Carla E. Craig
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE

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CHAPTER 7

CASE NO. 08-47147

JUDGE: Carla E. Craig

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)ss:
COUNTY OF MONROE)

I, Shannon Thompson, being sworn, says, I am not a party to this action; I am over 18 years of age, I reside in Rochester, New York.

On December 1, 2008 I served the within Notice of Presentment of Proposed Order and Motion for Relief From the Automatic Stay upon:

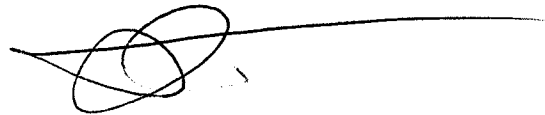
TO: Debtor
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US Trustee
271 Cadman Plaza East
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Brooklyn, NY 11201

the addresses designated by the foregoing individuals for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.



Shannon Thompson
Legal Assistant

Sworn to before me this

1st day of December, 2008,



Notary Public
Anne E. Hulbert
Qualified in Monroe County
Commissions Expires May 31, 2010